

Application for Determination

Parish: Haddiscoe Parish Council

Reference: BA/2014/0205/FUL **Target date:** 26/08/2014

Location: St Olaves Marina, Beccles Road, St Olaves

Proposal: Proposed Mooring Pontoons along River Waveney frontage to St. Olaves Marina Ltd.

Applicant: Mr David Bromley

Reason for referral: Objections received

Recommendation: Refuse.

1 Background

- 1.1 In October 2014 the Planning Committee considered this application which proposes the creation of new moorings in the channel of the River Waveney, adjacent to the St Olaves Marina site.
- 1.2 The application seeks consent for the installation of 164m of floating pontoons and piled frontage. The application has been amended on a number of occasions, and the details of the various iterations are as follows:
- 1.3 Original application (version 1): 164m of floating pontoon including 16.4m of short stay visitor moorings at the southern end of the moorings. The scheme also proposed installation of timber deflectors in the river at either end of the pontoons. The originally submitted scheme did not propose any width restrictions along the length of proposed new moorings (though it should be noted that Navigation byelaws impose a 5.5m beam restriction on this part of the River Waveney. Also the introduction of 3 fishing platforms set over a 99m length of riverbank to the south of the proposed new mooring pontoon. This scheme was the subject of the October report to Planning Committee.
- 1.4 Amendment (version 2): 164m of floating pontoon including 16.4m of short stay visitor moorings. This amended version removed the proposed in-river deflectors at either end of the pontoon and proposed beam (width) restrictions for boats moored along the pontoons, with a maximum beam of 5.5m for the northernmost 56m of pontoon, and 4.5m for the remainder of the moorings. This amended proposal also included the installation of

three fishing platforms. This version was submitted after the preparation of the report to the October Committee and was presented as amendments to Committee.

- 1.5 Amendment (version 3): 116m of floating pontoon and installation of 48m of piled frontage to the south of the pontoon, including 22m of visitor/demasting moorings at the southern end of the piled frontage. This further amended scheme proposed beam restrictions along the pontoon with the 81m of moorings (comprising 26m of private, quay headed moorings and 55m of private pontoon mooring) being restricted to boats of up to 3.6m beam, and the remainder providing moorings for boats up to 4.5m beam. It is not clear whether or not the applicant proposes any width restriction on the 22m quay headed length of visitor/demasting mooring.
- 1.6 The report to the 10 October 2014 (which considered version 1) recommended approval, subject to conditions. Officer presentation to the same committee considered version 2, and also recommended approval subject to conditions. However, the Planning Committee resolved to defer determination of the application and requested that Officers sought clarification on the issue of mooring rights on the eastern side of the river and the discrepancies between the Authority's and the objectors' measurements of the river width. They also requested that the application was referred to Navigation Committee for comments on specific issues,.
- 1.7 Version 2 of the application was considered by Navigation Committee on 23 October 2014; an objection to the application was raised and full comments from the committee are summarised at section 4 of this report, with the full minutes available at Appendix 3
- 1.8 In response to the comments from the Navigation Committee the Authority's Senior Waterways and Recreation Officer submitted further, revised comments and raised an objection to the application on the grounds of impact on navigation. At the same time further representations on the latest amendments (ie version 2) were also received from a number of consultees (including the Norfolk and Suffolk Boating Association and the Broads Society) in which the consultee amended their original comments and raised objections to the proposal, principally on the grounds of navigation impacts. In addition, representations continued to be received from local residents objecting to the revised proposal.
- 1.9 Mindful of these objections to the revised proposal (i.e. version 2 considered by both the Planning and Navigation Committees) the applicant has submitted a further revised proposal, which is detailed above as Version 3. It is this proposal which the Planning Committee are now asked to determine. Version 3 has been the subject of further public consultation, with comments recorded below where received (see section 4 of this report).

2 Description of site and current proposal

- 2.1 The application site comprises the river bank and part of the River Waveney situated immediately to the east of St Olaves Marina.
- 2.2 St Olaves Marina is a large riverside marina site extending to an area in excess of 5ha. A full description of the site can be found at section 1 of the report taken to Planning Committee in October, a copy of which is attached at Appendix 1.
- 2.3 The current iteration of the proposal (version 3), seeks consent for the installation of 116m of floating pontoon moorings and, at the southern (upstream) end of this run of pontoons, the construction of 48m of piled river frontage. The application proposes that the southernmost 22m of this piled frontage would be dedicated as demasting moorings, with the remainder providing private moorings for boats up to 3.6m beam. The length of pontoon moorings would provide new private moorings, with the southernmost 55m being restricted to boats of up to 3.6m beam, and the remainder providing moorings for boats up to 4.5m beam.
- 2.4 The pontoons would measure 14.5m long and 2.6m wide and would be secured in the river by means of piles driven into the river bed. The applicant has indicated that the pontoons would be set at 1m out from the existing bank.
- 2.5 The proposed pontoons would be accessed via an articulated ramp located at the southern end of the proposed pontoons, with the ramp attached to a section of new timber staging secured to the existing river bank.
- 2.6 The applicant has provided no information regarding the design or specification of the proposed piling, but has indicated that the southernmost 22m of piling must be paid for and maintained by the Broads Authority as it is to be used for the provision of demasting moorings.

3 Site History

See Appendix 1

4 Consultation

- 4.1 The consultation responses below are the most recent comments submitted by the consultee at time of writing.
- 4.2 Comments have been submitted in response to consultation on the various iterations and for clarity, the version to which the comments relate is indicated in italics at the start of the comments. Where a party objected to the original and/or revised proposal(s) and has submitted no further comments the original objection is maintained unless specifically superseded by comments submitted by the same party at a later date.

District Member Cllr William Kemp – (*Version 1*) Object. This application will harm navigation and reduce access to the Broads for the casual user. It is damaging to ecology and the landscape. New moorings are not needed here so the hazards created and the harm caused outweighs the ‘benefits’ of the scheme. In any event it is contrary to policy DP16 and so I would ask you to reject this application.

Haddiscoe Parish Council - (*Version 3*) Object. The demasting moorings proposed are not needed, the pontoons proposed would be detrimental to the habitat and landscape of this watercourse, and the water deflectors proposed would harm the ecology of the area.

Fritton and St Olaves Parish Council – (*Version 3*). The proposal will result in unacceptable impacts on navigation; any positive decision would be questionable due to the Broads Authority’s publically stated aspiration to deliver a de-masting mooring in this location; the applicant has a duty not to adversely impact other riparian holders rights; the survey of river widths is suspect as it takes no account of variations in river height and width which occur with the tide.

Broads Society – (*Version 3*) Object. The Society maintains its original objection. It is noted that the Broads Society objected to Version 3, but not version 2.

Norfolk and Suffolk Boating Association – (*Version 3*) Object. The NSBA notes that in the proposal the applicant has sought to address the NSBA's concern about the impact of the scheme on navigational safety, but in doing so the revised proposal raises concerns about the landscape and about ecological impact. Quite apart from this the revised proposal has not adequately addressed the NSBA's concern that the scheme (as it had been amended) did not provide a demasting area close to St Olaves Bridge.

River Waveney Trust – (*Version 2*) The RWT would prefer that our comments on the original application are now withdrawn. In the light of the intense email campaign and the myriad of spurious secondary issues raised around vole habitats etc., we do not want to take sides and therefore believe we should neither support nor object. This seems to be a navigation issue and RWT is not too well qualified to comment on these.

Environment Agency – (*Version 3*). We are not raising an objection to the proposal however the introduction of piling is undesirable both morphologically (preference should be given to retaining the natural margin) and ecologically (in respect of habitat for water voles etc)

Navigation Committee – (*Version 2*) At their meeting on 23 October, the Navigation Committee unanimously recommended that the planning application should be refused as it would have a negative impact on navigation for the following reasons:

1. It restricted the extent of river width for navigation required for the safe turning and mooring of boats in established nearby mooring cuts and for their waiting alongside for tidal access in very strong tidal conditions
2. The proposed pontoons, extending beyond the dog-leg in the river, encroached into a narrower and more restricted part of the navigation that exacerbated these factors
3. The pontoons, by being set out from the bank and not set back by recess within it, further restricted the width of the navigation and hence its safety unnecessarily as further vegetation zones could be located there.
4. There were no significant mitigating factors that would provide any necessary or desirable improvements to the navigation that would in any way ameliorate these safety issues or compensate for them.

At their meeting on 11 December 2014, the Navigation Committee were apprised of the further amendments. They confirmed that they wished to maintain their previous objection, and that their advice and recommendation still stood.

Brandon Lewis MP (Member of Parliament for Great Yarmouth) – (Version 2)
Local people have explained to me that they are concerned that the proposal could present a significant impact on the safety and navigability of the River Waveney due to the width of the river and the pre-existing moorings on the other bank. I would appreciate it if the committee could ensure that they fully investigate the concerns of local people before considering to grant planning permission.

5 Representations

- 5.1 Representations from various residents of Fritton and St Olaves and owners of mooring and leisure plots reiterating previously made objections. Objections to the various iterations of the application centre around the impact on navigation, impact on ecology and impact on landscape. Concerns regarding impact on residential amenity have also been raised.

6 Assessment

- 6.1 This application seeks consent for the installation of 116m of new mooring pontoons on the western bank of the River Waveney and for the piling of a further 48m of river bank to provide private and demasting moorings. Applications for new moorings are assessed against policy DP16, which permits new moorings where they contribute to the network of facilities around the Broads system in terms of location and quality.
- 6.2 The policy asks decision makers to evaluate the contribution the moorings would make in terms of location and quality by assessing proposals for new moorings against a series of defined criteria 'a' to 'k'; an assessment which includes considerations of navigation impacts, access to local services, impact on landscape character and impact on the ecology of the area.

- 6.3 Considering these defined criteria, criterion 'a' requires that new moorings must be located where they would not have a negative impact on navigation, and cites examples of development situated in off-river basins or within boatyards.
- 6.4 The development proposed would be in the river and would necessarily result in a reduction in the amount of water available to other river users. The issue of navigation impacts has been raised by a considerable number of objectors to the development and forms the basis of the objections received from the NSBA, the Broads Society, two Parish Councils, the District Councillor and the Broads Authority's Navigation Committee.
- 6.5 In order to properly consider the impact on navigation there must be clarity as to the width of the existing channel of navigation, the width of the proposed channel of navigation and information regarding any lawful development which could further restrict this channel, such as moorings on the eastern bank.
- 6.6 Following concerns expressed by objectors to the application the applicant has commissioned a survey of river and provided accurate bank-to-bank measurements. This survey shows that the river is at its narrowest at the southern end of the application site (approximately 31.5m wide) and widest at the northern end (approximately 38m).
- 6.7 The survey was undertaken by a professional and independent surveyor and is identified as being accurate to 10mm. The survey broadly accords with the measurements as shown on the Broads Authority's Ordnance Survey mapping system and, consequently, it is considered that the measurements in the survey and on the mapping system can be considered to be a good representation of the width of the river measured bank to bank.
- 6.8 This notwithstanding, it must be noted that the effective width of the river will alter dependant on tide – with more water in the river at high tide resulting in a slightly wider channel, and a narrower water body at low tide. It is also the case that any boats moored along either side of the river edge would also have the effect of reducing the navigable width.
- 6.9 Considering the presence or otherwise of any existing restriction on river width along the length of the proposed new pontoons, objectors to the application have stated that land owners enjoy a right to moor boats along the eastern bank of the River Waveney and that this right, whether exercised or not, represents an existing obstruction which must be taken account of when considering whether or not the proposal would result in an unacceptable obstruction on the navigation.
- 6.10 It is the case that riparian landowners in the Broads do not enjoy an automatic right to permanently moor a boat along riverbank they own; the use of land for the provision of a private mooring (i.e. not temporary mooring required for the purposes of navigation) is development and would normally require planning consent for change of use of the land from riverbank to private mooring.

Consequently, if weight is to be given to claims that the river width is already restricted through the presence of moorings on the eastern bank of the Waveney opposite the application site, the lawfulness of these moorings must be established.

- 6.11 It is the case that land can be lawfully used as a mooring in one of three ways: use of the land for provision of moorings can be granted by planning consent; a right to moor along the riverbank can be expressed in the property's deeds; or a right to moor can be established over time through consistent use of the land as a mooring (which could, if properly evidenced, support an application for the granting of a Lawful Development Certificate for use of the land as a mooring).
- 6.12 In this instance officers can find no evidence of any planning consent being granted which permits the land on the eastern bank of the Waveney to be used as a mooring. The deeds to the properties in question have been searched through the Land Registry and no express or implied right to moor along the bank can be found in these deeds. In response to a request for information to support a claim that the bank has, through custom and practice over a number of years, established a lawful use as a mooring, two residents submitted information. This information has been considered by the Authority's Solicitor and, judged on the balance of probabilities, is not considered sufficient to evidence a claim that a lawful mooring use has been established though consistent use over a period of ten years or more (the requisite standard for the issuing of a Lawful Development Certificate).
- 6.13 Having regards to the above, it is concluded that there is no right to permanently moor a boat on the eastern bank of the River Waveney opposite the application site and, consequently, for the purposes of this application the existing navigable channel can be considered to be from bank to bank.
- 6.14 Turning to the width of this navigable channel, the proposed pontoons would be set 1m out from the edge of the bank and would measure 2.6m wide. This means an intrusion into the channel of 3.6m. The proposed length of 48m of quay heading would not intrude into the river channel.
- 6.15 The proposed maximum beam (width of boat) along the new moorings is 3.6m along the southernmost of the moorings (i.e. all of the quay headed area bar the demasting moorings and the southernmost 55m of pontoons) and 4.5m along the remaining 61m of pontoon at the northern end of the run.
- 6.16 This represents a maximum intrusion into the river channel of 7.2m along the southernmost run of pontoons, and 8.1m along the remainder. An officer sketch of the further revised proposal is included at Appendix 2.
- 6.17 Whilst there are no published standards regarding what constitutes an unacceptable impact upon navigation, Officers and Rangers have tended to use the maxim that no obstruction should occupy more than 25% of the navigable water space. In this instance, the further revised proposal would occupy less than 25% of the navigable water space along the length of the

proposed new moorings. Having regards to this it is not considered that the proposal offends the informal maxim of 25%.

- 6.18 In addition, it is material to note that the remaining river channel available for navigation would be not less than 27m wide; on a river where the maximum permitted beam is 5.5m it is not considered that this represents an unacceptable restriction of channel width.
- 6.19 In response to specific concerns from objectors to the application and concerns expressed by the Authority's Navigation Committee the applicant has proposed quay heading at the narrowest point of the river. This quay heading would mean that there is no pontoon to narrow the river corridor and that, consequently, any restriction would be limited to 3.6m. This would give a navigable river channel of approximately 28m in the area which lies opposite the mooring cuts on the eastern bank of the River Waveney (i.e. the opposite bank to the proposed new moorings) and it is considered that the additional width afforded by the specification of quay heading (as opposed to pontoons) does help to address the 'pinch point' at the southern end of the proposed new mooring. Notwithstanding the increased manoeuvring area required in order to navigate in and out of mooring cuts on the opposite bank, on balance it is considered that the further amendments to the proposal mean that it would not have a negative impact on the navigation sufficient to warrant a refusal of planning permission and, on balance, satisfies criterion 'a' of policy DP16.
- 6.20 Criterion 'b' of DP16 requires that new moorings should not have a detrimental impact on protected habitats or species nor have an adverse impact on landscape character.
- 6.21 In this instance the application proposes quay heading a 48m length of natural bank. The introduction of an engineered river edge in place of the existing reeded river edge would have a significant detrimental impact on the riparian habitat, resulting in the total loss of existing reed bed; effectively sterilising an environment which currently provides habitat for protected species such as water voles and nesting birds.
- 6.22 No compensatory habitat or mitigation is proposed as part of the application and, given the importance of this habitat in a riparian environment which, in the locality of the application site, is dominated by engineered bank treatments, it is considered that the further revised scheme proposed by this application would have a significant adverse impact on protected species and their habitats.
- 6.23 Accordingly, it is considered that the application fails to satisfy criterion 'b' of Policy DP16 due to impact on protected species and habitats; this is the first reason for refusal.
- 6.24 It is noted that in making the submission the applicant indicates that consent has already been granted for the installation of piling along this river frontage, citing the consent granted in 1997 (1997/0241). Whilst it is recognised that, if

this scheme did permit a low engineered edge along this frontage, this fact would be a material consideration in the determination of this application, it is the case that officers do not consider that the 1997 consent grants consent for quay heading along this bank. It is further noted that even if consent had been granted, the Authority is not bound by historic precedent and the current proposal must be assessed against current planning policies; considering these policies, it is concluded that the development proposed is contrary to the provisions of the development plan.

- 6.25 The second matter to be considered under criterion 'b' is the impact of the proposed development on the landscape of the Broads. The application site lies on a stretch of the River Waveney which is notable as a transition area, where the managed reed beds on the river banks upstream of the site give way to a landscape characterised by marine uses and a more suburbanised landscape, where bank edges are often quay headed and land use is given over to boatyards, mooring plots and gardens rather than natural reed bed.
- 6.26 In this context the natural reeded river bank along the eastern flank of the St Olaves Marina site provides a softer, natural edge to what is a large commercial site and, in doing so, helps to preserve some semblance of the natural waterside landscape character in an area where this character has been substantially eroded. Removal of a 48m stretch of this natural edge would be considered to have a significant detrimental impact on the landscape character of the area.
- 6.27 In addition, in terms of landscape sensitivity, a proposal to introduce quay heading at the southern end of the proposed run of pontoons is considered to be particularly inappropriate in landscape terms as the engineered edging would be located at the most visually sensitive end of the marina site.
- 6.28 The southern tip of the marina site is undeveloped and largely given over to reed bed, with this reeded area extending northwards along the eastern edge of the site, creating a natural bank along almost the whole length of the marina's river frontage. Whilst in some locations the quality of this reed bed has been greatly compromised through insensitive land raising, it nonetheless remains a largely natural and undeveloped visual (and ecological) buffer to the marina and boatyard site; this is particularly noticeable when approaching the site on river from the south (i.e. travelling downstream).
- 6.29 The current proposal would see a 48m length of this reed bed removed, creating a substantial break between the undeveloped southern tip of the site and the relatively thin strip of reeded edge to the north of the proposed quay heading. This significant visual break would erode the sense of a softer, more natural development which is created by the existing reed bed, especially when viewed from the river.
- 6.30 Having regards to the above, the development proposed by the further revised scheme is considered to have a significant adverse impact on the protected landscape of the Broads and the specific landscape character of the application site. Consequently, the application is considered to be contrary to

the provisions of criterion 'b' of policy DP16 regarding landscape; this is the second reason for refusal.

- 6.31 The final matter to consider is the requirement, set out at criterion 'h' of Policy DP16, for developments at commercial marinas to allocate not less than 10% (with a minimum provision of two) of all new moorings as visitor moorings.
- 6.32 In this instance the applicant has indicated that the first 20m of the proposed quay heading will be given over to the provision of a demasting mooring. The principle of substituting visitor moorings for demasting moorings is, in this instance, welcomed; both the Authority's Senior Waterways and Recreation Officer, the NSBA and the Navigation Committee have referenced the need for demasting moorings at St Olaves when commenting on this application, and the substitution of demasting mooring provision for visitor moorings to address an identified navigation need is not considered to offend the principle of criterion 'h' of Policy DP16.
- 6.33 However, whilst the further revised scheme appears to satisfy the principle of criterion 'h' (notwithstanding the objections on grounds of landscape and ecology to the introduction of an engineered edge, detailed above), the specific details of the proposal by the applicant do not satisfy the requirements of criterion 'h'.
- 6.34 In this instance the applicant proposes a 20m length of quay heading to provide the demasting mooring in lieu of dedicating 10% of the new moorings as visitor or demasting moorings as is required by DP16. However, the applicant is not proposing to install or maintain this 20m length and indicates that this cost should be borne by the Broads Authority; so, in practice the applicant is actually proposing to give over a 20m length of bank to enable the Authority to construct a demasting mooring.
- 6.35 This proposal does not satisfy the provisions of criterion 'h' of Policy DP16; this is the third reason for refusal.

7 Conclusion

- 7.1 This application seeks consent for the creation of 164m of new in river moorings along the river frontage of the St Olaves Marina site. The scheme considered in this report is a further revised proposal in which the applicant has made amendments to the original and revised proposals in order to address concerns expressed regarding the impact on Navigation.
- 7.2 It is considered that these amendments – which propose narrower width restrictions for boats moored on the proposed new moorings and the specification of a 48m length of quay heading at the narrowest point of the river in lieu of pontoons – do help to address the principle concerns expressed by the Authority's Navigation Committee and Senior Waterways and Recreation Officer and that the further revised proposal would not have a negative impact on navigation sufficient to warrant a refusal of planning permission on these grounds.

- 7.3 It is the case, however, that in addressing concerns regarding navigation the applicant has proposed a solution – the introduction of quay heading – which has unacceptable impacts in terms of the ecology and landscape of the area. These adverse impacts are considered to be substantial and, as such, the proposal is not considered to satisfy the requirements of Policy DP16.
- 7.4 In addition, the proposal fails to provide the required visitor moorings, or, in lieu of visitor moorings, demasting moorings. It is noted that the applicant proposes to make land available to the Authority in order to install and maintain such a facility, however, this does not satisfy the requirements of criterion ‘h’ of Policy DP16.
- 7.5 For these reasons, summarised below, members of the Planning Committee are invited to refuse the application.

8 Reasons for Refusal

- (i) Through the introduction of an engineered river edge in the form of quay heading and the resulting loss of natural reeded river bank habitat, the application would have an adverse impact on protected species and protected habitats. As such the development is contrary to criterion ‘b’ of Policy DP16 of the adopted Broads DM DPD in respect of ecological impacts.
- (ii) Through the introduction of an engineered river edge in the form of quay heading and the resulting loss of natural reeded river bank habitat, the application would have an adverse impact on the landscape character of the protected landscape of the Broads. As such the development is contrary to criterion ‘b’ of Policy DP16 of the adopted Broads DM DPD in respect of landscape impacts.
- (iii) The application does not provide new visitor moorings or, in lieu of visitor moorings, demasting moorings, as required by criterion ‘h’ of Policy DP16. As such the development cannot be considered to accord with criterion ‘h’ of Policy DP16.

Background Papers: None

Author: Fergus Bootman
Date: 11 December 2014

Appendices: Appendix 1 – Report to Planning Committee October 2014
Appendix 2 – Officer sketch illustrating Further Revised Proposal
Appendix 3 – Minutes to Navigation Committee October 2014

Application for Determination

Parish	Haddiscoe Parish Council	
Reference:	BA/2014/0205/FUL	Target: 26/08/2014
Location:	St Olaves Marina, Beccles Road, St Olaves	
Proposal:	Proposed Mooring pontoons along River Waveney frontage to St. Olaves Marina Ltd.	
Applicant:	Mr David Bromley	
Reason for referral:	Objections received	
Recommendation:	Approve with conditions.	

1 Description of site and proposals

- 1.1 St Olaves Marina is a large marina situated at the confluence of the River Waveney and the Haddiscoe New Cut, in the southern half of the Broads system. The marina comprises two basins extending to approximately 1.8ha, a boat sales area, washrooms building, reception and office building and extensive areas of hardstanding for car parking, boat storage and marine maintenance activities. In total the site covers an area of approximately 5ha and, whilst it does not appear that the total number of moorings offered by the site is restricted by planning, it is believed that the marina can accommodate in excess of 150 boats in the water, and has space for a considerable number more in dry storage on the land. There are currently no moorings along the River Waveney frontage of the site.
- 1.2 The marina site, broadly triangular in shape, is bounded on two sides by water and on the third by the A143, a busy 'A' class road which crosses the Haddiscoe New Cut via a substantial modern road bridge. The landscape to the north, south and west of the marina is characterised by expanses of flat grazing marsh, with small fields separated by drainage dykes in the traditional pattern of the Broads. The large road bridge (with a height above mean high water of just over 7m) is a very prominent feature in the landscape surrounding the marina.
- 1.3 To the east of the application site, across the River Waveney, the landscape is more developed and domestic in nature. A row of gardens, moorings and leisure plots face the marina across the river and to the

east of these the land rises up to meet a linear development of houses running on a north/south axis. These houses are largely orientated to take advantage of views of the river situated some 200m to the west.

- 1.4 The site is not subject of any site specific policies within the Broads Site Specifics DPD and lies entirely within Flood Zone 3b (functional flood plain).
- 1.5 This application seeks consent for the installation of 164m of floating pontoons along the River Waveney (eastern) frontage of the marina site and for the installation of three fishing platforms over a further 99m length of this frontage. The application has been revised following initial comment from Broads Authority officers and objections received, with the revisions reducing the proposed length of pontoons from 264m to 164m.
- 1.6 The pontoons would be standard units, similar to those used elsewhere in the marina. Each unit would measure 14.5m long and 2.6m wide and would be secured by a set of vertical steel poles driven into the river bed; these poles would ensure the pontoons remained in one location but, at the same time, can rise and fall with the tide. The decking of the pontoons can incorporate a number of finishes (galvanised mesh, timber planks, plastic planks etc) and no detail has been provided as to the proposed finish.
- 1.7 The pontoons would be set 1m off the existing bank edge and would be accessed via a ramp. The ramp would be articulated to allow for the ramp to respond to the height of the pontoon, which will vary according to the tide conditions. This ramp would be located at the southern end of the length of pontoons and on the land side would be mounted on a timber frame set at the foot of the river bank and extending upwards to provide a level access from the land to the inclined ramp. This is a similar approach to that used on the Broads Authority Dutch Tea Gardens Moorings which are located further up the River Waveney.
- 1.8 The application also proposes the installation of two timber deflectors to be installed at either end of the new run of pontoons. These deflectors will be set at an angle from the river bank and deflect any debris, crafts and (to some extent) water flow, away from the bank and moorings and into the main river channel. The applicant has indicated that these deflectors, together with the proposed pontoons, would aid natural reed bed regeneration on the bank behind the pontoons by protecting the bank from the worst effects of the strong tide in this part of the Waveney.
- 1.9 Other than indicative locations (showing three platforms set out at 33m intervals along the southern part of the River Waveney site frontage), no information has been submitted regarding the precise design or siting of the proposed fishing platforms.
- 1.10 The applicant has not provided any detail of the number of new moorings to be created by the proposal, however based on an industry average of

allowing 10m per mooring, it is considered that the proposal will create at least 16 new moorings, with the actual number being dependant on boat size. The moorings would be private moorings, as defined by policy DP16.

2 Site History

1992/1147 - Raise level of land up to existing flood wall – withdrawn.

1995/1004 - New pitched roof and fill in corner to provide storage space.

1996/0953 - Change of use of land adjoining marina to yacht sales with ancillary office use of former public house/restaurant building | St Olaves Marina Beccles Road St Olaves Great Yarmouth Norfolk Nr - Approved.

1997/0242 – Replacement of ten holiday chalets and conversion of two existing buildings to holiday units – approved.

1997/1032 – Modification of condition 4 of E97/0242/O to allow occupation of replacement chalets all year round – Approved.

1997/0241 - Extend mooring basin, access to New Cut, close existing access to R. Waveney, relocate yacht sales (96/0953), new flood walls, car park and building (office/showroom/manager's flat), retain gates – Approved.

2005/02638 – Erection of temporary workshop for a period of one year – approved (expired Jan 2007).

BA/2007/0072/FUL – Erection of 4 holiday units – refused.

BA/2007/0073/FUL – Erection of a manager's house – withdrawn.

BA/2008/0015/FUL – Erection of manager's house and garage – refused.

BA/2008/0016/FUL – Erection of 4 holiday units – refused.

3 Consultation

District Member – No response received.

Haddiscoe Parish Council – No response received.

Fritton and St Olaves Parish Council – Comments awaited.

Broads Society – No objections.

Norfolk and Suffolk Boating Association – Provided that there are appropriate conditions as to the width of the pontoons and the distance from the bank of their outer edges, the NSBA supports the proposed development.

River Waveney Trust – On behalf of the River Waveney Trust and as their Chair, I would support this application. Particularly interested and concerned to ensure the reed bed enhancement is both sustainable and effective.

Environment Agency – No response received.

4 Representations

- 4.1 22 letters of objection were received to the originally proposed scheme raising concerns regarding landscape impacts, amenity impacts, ecological impacts and impact on navigation.

25 letters of objection were received following re-consultation on the amended scheme. Concerns raised were the same as those expressed against the original application, with impact on the navigation being the principle concern of most objectors.

5 Policy

- 5.1 The following policies have been assessed for consistency with the NPPF and have found to be mostly consistent with the direction of the NPPF; any divergence from the NPPF is due to the content of the policy being largely Broads-specific and therefore not being reflected in the document. The policy below is not considered to conflict with the NPPF:

Adopted Broads Development Management DPD (2011)
[DEVELOPMENTPLANDOCUMENT](#)

DP16 – Moorings

- 5.2 Material Considerations
[NPPF](#)

6 Assessment

- 6.1 This application seeks consent for the installation of 164m of pontoons along the river frontage of an existing marina site, to be used for the provision of private moorings. It is estimated that this run would create approximately 16 new mooring berths.
- 6.2 Policy DP16 permits new moorings where the proposal would contribute to the network of facilities around the Broads system in terms of their location and quality, and subject to the satisfaction of certain defined criteria.
- 6.3 In this instance the application site is an existing marina which is readily accessible by river, road and rail (Haddiscoe Station lies across the road bridge, some 1.6km from the marina) and, having regards to this, it is considered that the proposed moorings would contribute to the network

of existing moorings within the Broads. In addition, there are no objections to the quality of the moorings proposed and, consequently, it is considered that the development is acceptable in principle and should be approved if the circumstances of the application satisfy the defined criteria 'a' to 'k' set out in policy DP16.

- 6.4 With reference to these criteria, in terms of the ability for the proposed new moorings to take advantage of existing infrastructure and the capability of this infrastructure to serve the proposed additional moorings, the marina is located a short walk from local services at St Olaves (criterion 'c'); has adequate provision for car parking, waste and sewage disposal (criterion 'i'); provides pump out facilities and gives access to an appropriate range of services and ancillary features, including toilet and shower block, lift out and marine repairs (criterion 'j').
- 6.5 Given the existing use of the site as a marina and associated marine services it is not considered that the proposal would prejudice the current or future use of adjoining land or buildings (criterion 'd') and, having regards to the distance to the nearest neighbouring residential properties (circa 60m) and mindful of the limited noise impacts associated with private moorings, it is not considered that the proposal would adversely affect the amenity of adjoining residents (criterion 'e').
- 6.6 Having regards to the above, the principle considerations in this application are considered to relate to impact on the navigation (criteria 'a' and 'f'), impact on the ecology of the Broads (criterion 'b') and impact on the protected landscape of the Broads (criterion 'b').
- 6.7 Considering first navigation impacts, this is an issue which features prominently in the letters of objection received to both the original and the revised application proposals, with concerns raised regarding the restriction of river width caused by the proposed pontoons, the potential for conflict between anglers using the proposed new platforms and river users and possible difficulties caused by river flow being deflected further into the main channel.
- 6.8 The principle concern raised relates to the navigation impacts associated with restricting the width of the river. There is a general principle (based on guidance within Broads Bylaw 60) within the navigation that intrusions into the river should not occupy in excess of one quarter of the channel, and concerns have been raised that the introduction of pontoons (plus the width of the boats moored alongside) would offend this principle, resulting in hazardous boat movements.
- 6.9 At present the river channel past the application site ranges from approximately 32m wide at its narrowest point to approximately 40m wide. The channel is narrowest at the southern end of the application site and widens as it heads north (upstream). The average width along the length of the proposed pontoons is 36m. The proposed pontoons would measure 2.6m wide and would be set at 1m from the bank. With regards to vessel

size, set of byelaws (Broads Authority Vessel Dimension Byelaws 1995) apply a series of beam (width) restrictions throughout the Broads system, and the maximum permitted vessel width on this part of the Waveney (excluding certain exceptional circumstances, for which provision is made on the Byelaw) is 5.5m.

- 6.9 Considering the above, if the widest possible boat (5.5m) was moored against the pontoons (3.6m) at the narrowest section of the river then the total width (9.1m) would exceed one quarter of the river's width and, as such would be considered unacceptable in terms of impact on the navigation. If the widest possible boat was moored on the widest part of the river (40m) it would still occupy less than one quarter of the channel.
- 6.10 Consequently, to ensure the proposal accords with the established custom and practice of moorings not exceeding one quarter of the channel width, it is considered necessary to restrict the maximum beam width along approximately 90m of the proposed 164m of new pontoons to 4.4m. This being the case, if the largest possible boat (4.4m) was moored against the pontoon (3.6m) in the narrowest part of the river (total width 32m) it would still be in accordance with the navigation bylaws. For the same reason, it is considered necessary to restrict the maximum beam to 5.5m for the remainder of the proposed new moorings. These restrictions can be secured by planning conditions and it is considered that the conditions would satisfy the six tests laid out at paragraph 206 of the NPPF. The applicant has been asked to submit a revised plan which illustrates the extent of these restrictions and which would form the basis of the conditions restricting beam widths along various lengths of the proposed pontoons.
- 6.11 It is noted that several of the objections to the application raise concerns regarding the impacts reducing the navigable channel width would have on accessing the mooring plots which front on to the river. Whilst it is recognised that a reduction in width would reduce the area of river available to manoeuvre within, it is considered that the remaining navigable width – some 26.9m based on an average river width of 36m, a maximum beam of 5.5m and the pontoons sitting 3.6m out from the bank – is sufficient to enable boats to access and egress the plots safely. It is also noted that the revised, much shorter, proposal would result in only a maximum of 5 mooring cuts being located immediately opposite the proposed new pontoons; this is significantly fewer than the original proposal which would have created some 264m of new moorings and potentially directly impacted on at least 12 mooring plots.
- 6.12 Mindful of the reduction in river width which would occur as a result of the proposed new moorings, and notwithstanding the beam width restriction on this part of the Waveney and the proposed restriction on beam width for the southern half of the proposed moorings, it is also considered necessary to prohibit by way of planning condition stern-on and double mooring along the entire length of the proposed moorings.

- 6.13 It is not considered that the introduction of three fishing platforms would have any significant impact on the safe navigation of the river. Whilst the concerns of the objectors regarding the potential for conflict between anglers and river users is noted, it is considered that the river in this location is sufficiently wide to accommodate these two sets of users without impeding the safety or functionality of the navigation. It is also noted that angling makes an important contribution to the Broads economy and is a potentially low cost way to enjoy the Broads. There are a large number of these angling platforms around the Broads system, often in locations where the river is significantly narrower than the Waveney as it passes the application site.
- 6.14 In considering impacts on navigation regard has been given to both the remaining available navigable width and the responses of the Authority's Senior Waterways and Recreation Officer and the Norfolk and Suffolk Boating Association, both of whom raised no objection to the proposal.
- 6.15 Finally, in determining the impacts of this proposal on navigation, it must be noted that under criterion 'h' of policy DP16 10% (with a minimum provision of two) of the new moorings created must be made available as short stay/visitor moorings. In this instance the applicant has indicated that these moorings – a length of 20m - can be situated at the northern end of the proposed new pontoons and, rather than act as a visitor mooring, can be used as demasting moorings. These demasting moorings, situated just upstream of the St Olaves road bridge, would provide valuable navigation infrastructure in a location which is well used and currently is without demasting moorings. The provision of demasting moorings in this strategically important location is considered to be of more benefit to navigation than the provision of short stay visitor moorings, particularly given that there are Broads Authority 24 hour visitor moorings situated downstream of the old road bridge at St Olaves. It is proposed that the provision of these demasting mooring be secured by planning condition.
- 6.16 Subject to the conditions detailed above, it is not considered that the proposal would have a negative impact on navigation and, consequently, accords with criterion 'a' of policy DP16.
- 6.17 With regards to impacts on the ecology of the Broads, the proposed pontoons would be set away from the existing, natural bank and as such, barring some limited disturbance during the period of construction, would have no adverse impacts on the ecology of the area. Whilst the mooring of boats and associated increase in activity on the river frontage would increase disturbance of the natural banks, by providing a physical barrier between the natural bank and the river channel the pontoons would provide a degree of protection to the bank edge from the scouring effects of the tide, which in this location is particularly strong. This protection would help in protecting the bank and retaining and improving the existing natural reeded bank.

- 6.18 In response to requests from officers the applicant has provided a methodology for the installation of the pontoons and has confirmed that, with the exception of the installation of the walkway from the bank to the pontoon, the existing reed bed habitat would remain undisturbed. The authority's Ecologist has considered this methodology and has confirmed that, subject to a condition requiring works are carried out in accordance with this method statement and another condition which requires vegetation management prior to the limited bank works (to ensure no protected species are present at the time of the works), there are no objections to the proposal.
- 6.19 Considering these impacts, the net effect of the proposal on the ecology of the area is considered to be neutral. Consequently, there are no objections to the application on the grounds of impact on the ecology of the Broads and the application is considered to satisfy the requirements of criteria 'b' of policy DP16 in respect of protected species.
- 6.20 The final area to consider is the impact of the proposal on the landscape of the Broads. When considering applications for development in the protected landscape of the Broads consideration must be given to landscape impacts as perceived from both the land and the water, as well as recognising the intrinsic landscape value of the area.
- 6.21 The St Olaves Marina site marks the start of a cluster of boatyards and marine related development on the western bank of the River Waveney which extends up to and beyond the old road bridge crossing – a length of just over 1km. This linear group of development represents a noticeable departure from the wide and open expanses of flat grazing marsh and reed bed which surrounds the group to the north, south and west, and is also distinct from the heavily wooded, rising land to the east.
- 6.22 Historically, this group of development started with a cluster of boatyard buildings around the old road bridge and, over time, these boatyards extended to the north, with the St Olaves Marina/boatyard and a few smaller buildings to the south. Over time the marina/boatyard has extended further north, with substantial areas of hardstanding (including gravelled areas) and a sizeable basin extension resulting in a development which now occupies all the space between the River Waveney and the A143 road.
- 6.23 This expansion of the boatyard/marina site, and its gradual shift towards marina rather than boatyard use, has resulted in an almost total erosion of the natural environment. Set against the backdrop of the elevated new road bridge, whether viewed from the road or the water the marina site appears as a significant intrusion on the character of this part of the Broads.
- 6.24 In this context, it is accepted that the application site is a location where on river moorings would not appear incongruous and a site where the creation of some new on-river moorings through the installation of

pontoons is considered to be acceptable in landscape terms.

- 6.25 However, it is also the case that the St Olaves Marina site is a location which already represents a significant – and largely detrimental – impact on the Broads landscape and in locations such as this within the protected landscape of the Broads, Policy DP2 makes it clear that new development should seek to retain any existing features of landscape significance, rather than further intensify those elements of the site which represent a landscape intrusion.
- 6.26 In this instance the undeveloped south-eastern and east facing banks of the site present a softer, natural edge to the river and help to balance the rather stark appearance of the marina. Despite significant land raising in this area, parts of this undeveloped portion of the site retain narrow pockets of Norfolk reed which help to assimilate this part of the marina site with the surrounding natural landscape, particularly when approaching the site from the south (i.e. travelling downstream). This natural and undeveloped ‘buffer’ at the southern tip and the natural bank along the east-facing frontage is, given the important landscape role it has in relating the marina site to the wider, natural landscape within which it sits, considered to be a feature of landscape importance.
- 6.27 It is because of the landscape impacts on this undeveloped, southern portion of the site that the original scheme was considered unacceptable in landscape terms and it is considered that the significantly reduced length now proposed (164m as opposed to 264m) satisfactorily addresses these concerns. The revised proposal retains the natural and largely undeveloped southern portion of the site and it is accepted that the protection the proposed pontoons would offer the reed bed along the north section of the site would, through promoting a healthy reed fringe to this part of the boat yard site, confers certain landscape benefits.
- 6.28 Consequently, the development is not considered to have an adverse impact on landscape character and to satisfy the requirements of criterion ‘b’ of policy DP16 in respect of landscape.
- 6.29 As an addendum to the above considerations of landscape impacts, it is noted that a number of representations made highlight the lack of landscaping on the wider St Olaves Marina site and express concern regarding the general appearance and landscape impacts of the marina and boatyard on the landscape. Whilst it is the case that boatyards (including moorings and areas for the standing of boats) form part of the riverside landscape of the Broads, it is also noted that many of the negative landscape impacts associated with such sites can be diminished through provision of an appropriate landscaping scheme. In the case of St Olaves Marina significant landscaping has been required in association with previous, historic, consents and it would appear that this landscaping has either failed or has not been carried out. This matter is not material to the determination of this application for new moorings, but is something which is being investigated further.

7 Conclusion

- 7.1 This application seeks consent for the installation of a length of 164m of pontoons along the River Waveney frontage of the St Olaves Marina site for the provision of private moorings.
- 7.2 The St Olaves Marina site is a large commercial marina and boatyard site which provides a number of facilities to boaters including, toilets, showers, pump out and marina repairs. It is considered an appropriate location for new moorings.
- 7.3 The proposal would reduce the navigable width of the river but, having regards to the remaining unobstructed channel width and the navigation benefits associated with the proposal (i.e. the provision of demasting moorings), it is not considered that the proposal would have a negative impact on navigation. Due to the location, extent and nature of the development it is not considered that the development would have any adverse impact on the landscape or ecology of the Broads.
- 7.4 Consequently, subject to conditions, it is considered that the development proposed accords with the requirements of policy DP16 and that there are no material considerations which would justify the refusal of this consent.

8 Recommendation

- 8.1 Approve subject to conditions:
1. Time limit
 2. In accordance with approved plans
 3. Works carried out in accordance with approved method statement
 4. All works must be carried out in accordance with the agreed Vegetation management plan
 5. Moorings identified on approved plan as 'demasting moorings' shall be retained as free to use demasting moorings and shall not be used as private moorings.
 6. Prior to commencement of any works hereby permitted precise details of design a location of fishing platforms shall be submitted to an approved in writing by the local planning authority
 7. Prior to commencement of works hereby permitted details of the materials to be used to finish the pontoons shall be submitted to an approved in writing by the local planning authority
 8. No vessel shall be moored stern on or double moored on the pontoons hereby permitted
 9. In accordance with the approved plan. no vessel with a beam width in excess of 4.4m shall be moored alongside the pontoons hereby permitted along the length marked X to XX on the

approved plan number XXXX, and no vessel with a beam width in excess of 5.5m shall be moored along the remaining length on pontoon subject of this consent.

8.2 Reason for Recommendation

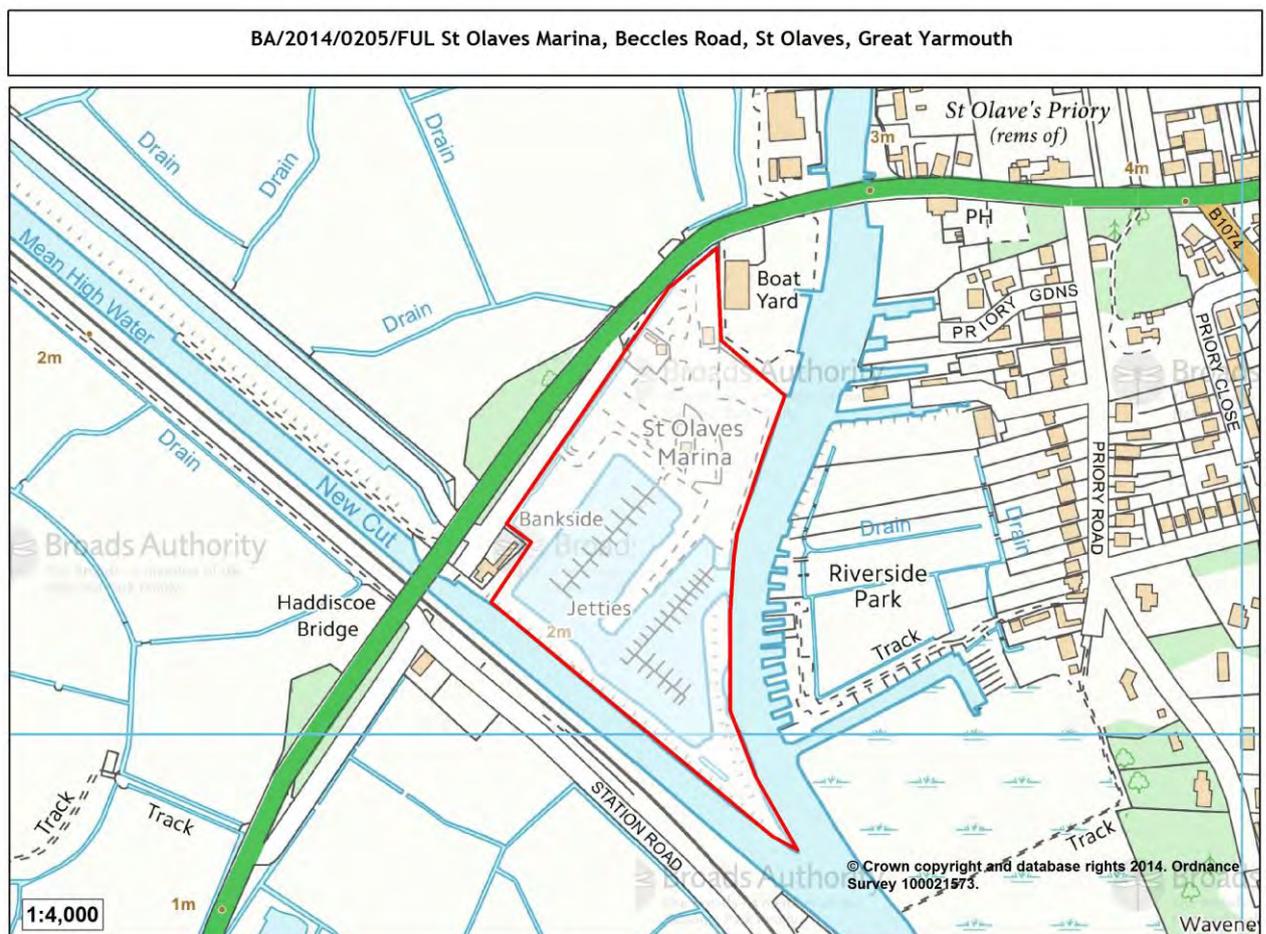
The application is considered to be in accordance with Adopted Broads Development Management DPD (2011) and consistent with the National Planning Policy Framework

Background Papers: Planning File BA/2014/0205/FUL

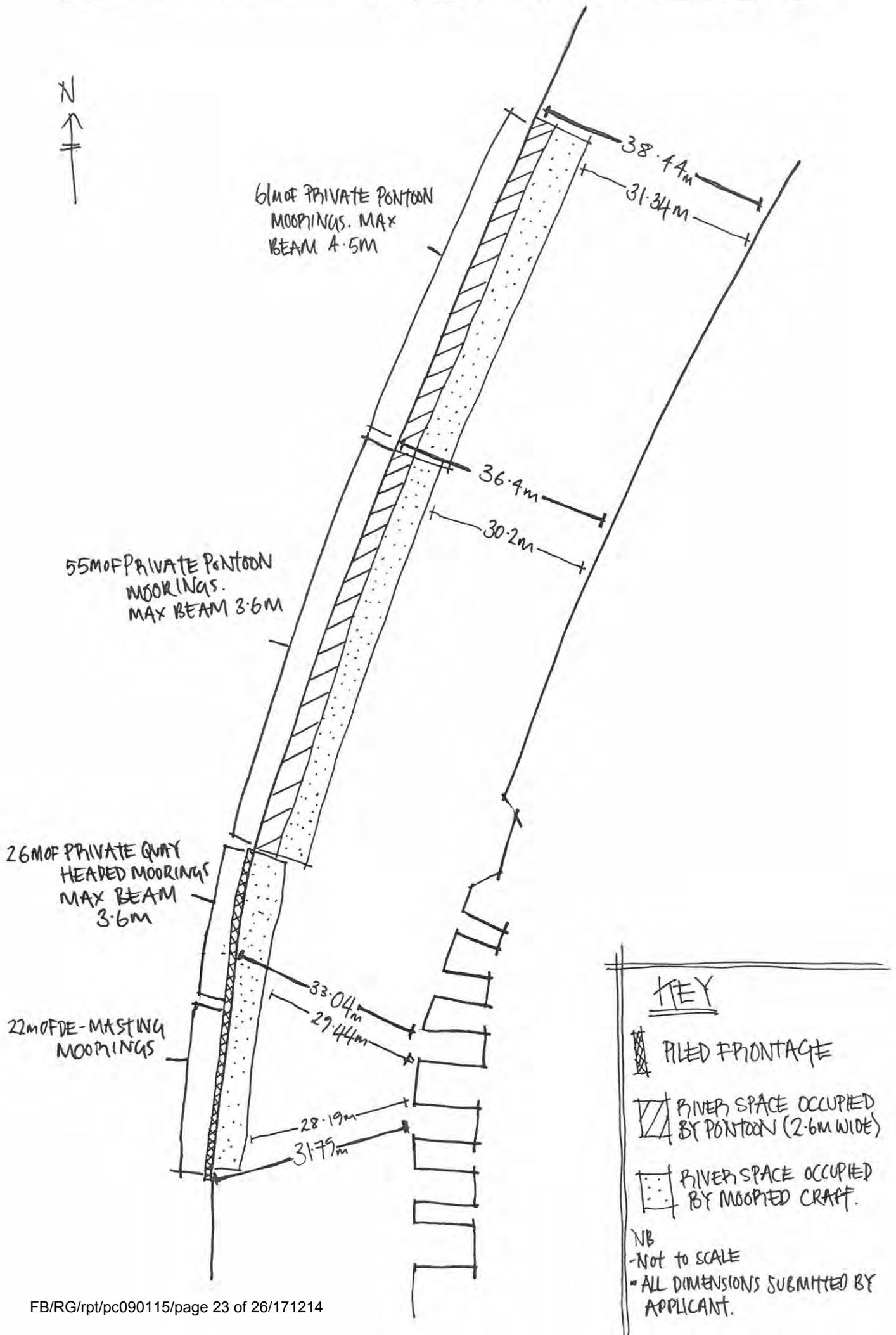
Author: Fergus Bootman
Date: 24/09/2014

Appendices: APPENDIX – Location Plan

APPENDIX



OFFICER SKETCH ILLUSTRATING FURTHER REVISED PROPOSAL



Extract from Navigation Committee Minutes – 23 October 2014

2/14 Planning Application with Navigation Implications: Proposed Mooring Pontoons along River Waveney Frontage to St Olaves Marina Ltd

This agenda item was addressed earlier after agenda item 2/6 Summary of Progress and before item 2/7 Mooring Strategy Review update.

The members received a report outlining the planning application for the installation of 164m of mooring pontoons and three angling platforms at St Olaves Marina, Haddiscoe, Great Yarmouth.

Members were informed that the moorings would be private moorings as defined by policy DP16 and that 10% of the new moorings created will be dedicated as short stay visitor moorings.

Two principle areas of concern were highlighted which were the width of the river and the right of mooring on the opposite site of the proposed planning application area.

As there was doubt about the accurate width of the river the applicant submitted a survey undertaken by an independent surveyor. This survey confirmed that the original bank to bank measurement sufficiently accurate, with a discrepancy of less than one meter.

The second concern was regarding the right to moor at the opposite bank. The members were informed there were three reasons which would allow right of moorings:

Firstly there is expressed planning permission and officers couldn't find any consent granted. Secondly is Right to Deed but land registration searches showed that there were no indications of a right to moor in the deeds being found. Finally there is Established Use. Officers searched historical images from 1945 to 2012 and have consulted the relevant Broads Authority Ranger but have found no proof of boats mooring at the site in question. Residents were asked to submit details of use by 5th November 2014 but nothing has been received so far and it was emphasised that any party knowing of such evidence should supply it by then.

The application was considered by members of the Planning Committee on 10 October and as the proposed pontoons will reduce the width of navigable channel at the River Waveney, there will potentially be an impact on the navigation. Members of the Planning Committee therefore highlighted three specific questions on which input from the Navigation Committee would be welcomed and would assist them in their determination of the application.

The questions the views of the members were sought on are the following:

1. To what extent would the proposed moorings contribute to the network of facilities within the Broads?
2. What comment does the Navigation Committee have regarding the location, quality and type of proposed moorings?
3. Would the moorings be located where they would not have a negative impact on navigation?

After the officer's presentation, the Chairman allowed a member of the public to make a brief response to the case presented, during which time the main points of contention were the supposed 'rights of Riparian Owners' to moor boats and the perceived inaccuracies in the assessment of river width at the site.

It was clarified that there are no absolute rights of moorings arising from Riparian ownership and that the survey had been an independent one and not undertaken by officers. There remained the issue of what part of the tidal range the measures were taken at and the member of the public still believed that it might be less at Spring Low Water.

Members decided that the proposed mooring would contribute very little to the Broads, especially as the application didn't include de-masting moorings and as it was also unclear whether additional mooring is necessary as it is too early for results from the Stakeholder Surveys to be available. Members noted that the only mention of St Olaves in the Mooring Strategy referred to the provision of de-masting moorings.

Regarding the quality and design of the pontoons, the Committee recognised that they were of industry-standard quality and of a robust nature but the rise and fall of that tidal section would require a much longer and better access ramp than that shown in the application.

Members expressed concerns about the location of the proposed moorings being set off 1 meter from the bank and were advised that the applicant had stated that the reason for this was an ecological and not a financial one, in order to protect the reed beds.

Members remained concerned however that this design would be saving a considerable level of construction costs at the expense of river width for navigation.

The members also stressed their reservation about the application extending beyond the wider section towards the bend and towards the narrower section of the river, where increased tidal currents would make manoeuvres more difficult.

The Navigation Committee unanimously recommended that the planning application for installation of 164 m of mooring pontoons along the River Waveney should be refused as it would have a negative impact on navigation for the following reasons:

1. It restricted the extent of river width for navigation required for the safe turning and mooring of boats in established nearby mooring cuts and for their waiting alongside for tidal access in very strong tidal conditions
2. The proposed pontoons, extending beyond the dog-leg in the river, encroached into a narrower and more restricted part of the navigation that exacerbated these factors
3. The pontoons, by being set out from the bank and not set back by recess within it, further restricted the width of the navigation and hence its safety unnecessarily as further vegetation zones could be located there.
4. There were no significant mitigating factors that would provide any necessary or desirable improvements to the navigation that would in any way ameliorate these safety issues or compensate for them.